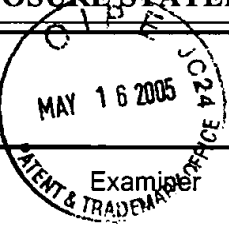


**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

Docket No.
MER 03.01

In Re Application Of: **WITHERS et al.**



Application No.
10/828,641

Filing Date
April 21, 2004

Examiner

Customer No.
27667

Group Art Unit
1742

Confirmation No.
5332

Invention:

THERMAL AND ELECTROCHEMICAL PROCESS FOR METAL PRODUCTION

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Signature

Dated: May 12, 2005

Norman P. Soloway
Registration No. 24,315
HAYES SOLOWAY P.C.
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Certificate of Mailing by First Class Mail

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

May 12, 2005

(Date)

Signature of Person Mailing Correspondence

Linda Vaubel

Typed or Printed Name of Person Mailing Correspondence

cc:

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: WITHERS et al.
SERIAL NO.: 10/828,641
FILED: April 21, 2004
FOR: Thermal and Electrochemical Process for Metal Production
GROUP: 1742
DOCKET: MER 03.01

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicants hereby attach U.S. Patent Office form PTO-1449, including copies of the foreign patent references and literature references listed therein. These references were cited in the Partial International Search Report issued in the related PCT application. Enclosed is a copy of the Partial International Search Report. Applicants are not submitting copies of the U.S. Patent reference(s)/U.S. Patent Publication(s) as the Office waived the requirement under 37 CFR 1.98(a)(2)(i) on July 11, 2003. The claims in the present application are believed to be patentably distinguished over these references.

This Supplemental Information Disclosure statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the information thus disclosed in fact constitutes prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) relies on a materiality concept which depends on subjectivity.

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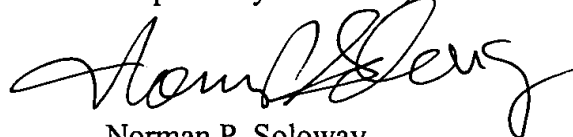
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In compliance with the requirements of 37 C.F.R. § 1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. § 1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of the Partial International Search Report by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of foreign examiner or the claims of the foreign application under the laws of the country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the foreign examiner's comments submitted therewith.

The enclosed Supplemental Information Disclosure Statement is being submitted within three months of the Partial International Search Report, as certified in the attached Certification for Information Disclosure Statement. Therefore, we believe there are no fees involved with this Information Disclosure Statement. In the event there are additional fees payable, please charge them to our Deposit Account No. 08-1391.

Respectfully submitted,



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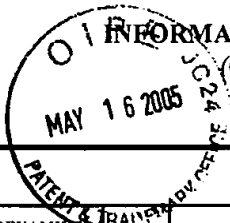
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CERTIFICATE OF MAILING

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By:



				Docket Number (Optional) MER 03.01		Application Number 10/828,641		
				Applicant(s) WITHERS et al.				
				Filing Date April 21, 2004		Group Art Unit 1742		
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
		2,831,802	04/22/1958	RANEY	204	10		
		3,083,153	03/26/1963	WAGNER	204	246		
		2,722,509	11/01/1955	WAINER	204	64		
		2,913,379	11/17/1959	STEINBERG	204	64		
U.S. PATENT APPLICATION PUBLICATIONS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
		1376813	10/30/2002	CHINA (Derwent Search)	C25C	3/36	YES	NO
		635,267	04/05/1950	GREAT BRITIAN	41		✓	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)								
		Yasuhiko Ito, Toshiyuki Nohira, "Non-conventional electrolytes for electrochemical applications", ELECTROCHIMICA ACTA, ELSEVIER SCIENCE PUBLISHERS, BARKING, GB, vol. 45, no. 15-16, May 2000, pp. 2612-2622. A. Robin and R.B. Ribeiro, "Pulse electrodeposition of titanium on carbon steel in the LiF-NaF-KF eutectic melt", J. APPLIED ELECTROCHEMISTRY, vol. 30, 2000, pp. 239-246.						
EXAMINER					DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								